

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

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August 7, 2015

MEMORANDUM TO COUNSEL RE: David Davis v. Randall Martine
Civil No. JFM-15-1746

Dear Counsel:

I have reviewed the memoranda submitted in connection with the pending motions. My rulings on the motions are as follows.

1. Maryland state defendants' motion to dismiss. The motion (document 23) is granted. The various state defendants are entitled to sovereign immunity. Moreover, although technically I need not (and cannot) decide the issue, it appears that plaintiff has failed to state any viable claim against the Maryland state defendants because those defendants owed no duty to plaintiffs.
2. The motion to dismiss counts III and IV of the complaint (document 26) is granted but plaintiffs are granted leave to file an amended complaint on or before August 25, 2015.
3. The Maryland state defendants' motion to strike portions of the complaint. The motion (document 22) is denied as moot.
4. The amended motion to strike impertinent and prejudicial allegations of the complaint. The motion (document 30) is granted. Because the complaint is not in compliance with Fed. R. Civ. P. 8 in that it does not "contain . . . a short and plain statement of the claims that the plaintiff is entitled to relief" and because I am dismissing the Maryland state defendants, plaintiffs are directed to file an amended complaint on or before August 25, 2015.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge